

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by  
5 changing Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) The following shall be exempt from inspection and  
9 copying:

10 (a) Information specifically prohibited from  
11 disclosure by federal or State law or rules and regulations  
12 adopted under federal or State law.

13 (b) Information that, if disclosed, would constitute a  
14 clearly unwarranted invasion of personal privacy, unless  
15 the disclosure is consented to in writing by the individual  
16 subjects of the information. The disclosure of information  
17 that bears on the public duties of public employees and  
18 officials shall not be considered an invasion of personal  
19 privacy. Information exempted under this subsection (b)  
20 shall include but is not limited to:

21 (i) files and personal information maintained with  
22 respect to clients, patients, residents, students or  
23 other individuals receiving social, medical,

1 educational, vocational, financial, supervisory or  
2 custodial care or services directly or indirectly from  
3 federal agencies or public bodies;

4 (ii) personnel files and personal information  
5 maintained with respect to employees, appointees or  
6 elected officials of any public body or applicants for  
7 those positions;

8 (iii) files and personal information maintained  
9 with respect to any applicant, registrant or licensee  
10 by any public body cooperating with or engaged in  
11 professional or occupational registration, licensure  
12 or discipline;

13 (iv) information required of any taxpayer in  
14 connection with the assessment or collection of any tax  
15 unless disclosure is otherwise required by State  
16 statute;

17 (v) information revealing the identity of persons  
18 who file complaints with or provide information to  
19 administrative, investigative, law enforcement or  
20 penal agencies; provided, however, that identification  
21 of witnesses to traffic accidents, traffic accident  
22 reports, and rescue reports may be provided by agencies  
23 of local government, except in a case for which a  
24 criminal investigation is ongoing, without  
25 constituting a clearly unwarranted per se invasion of  
26 personal privacy under this subsection; and

1           (vi) the names, addresses, or other personal  
2 information of participants and registrants in park  
3 district, forest preserve district, and conservation  
4 district programs.

5           (c) Records compiled by any public body for  
6 administrative enforcement proceedings and any law  
7 enforcement or correctional agency for law enforcement  
8 purposes or for internal matters of a public body, but only  
9 to the extent that disclosure would:

10           (i) interfere with pending or actually and  
11 reasonably contemplated law enforcement proceedings  
12 conducted by any law enforcement or correctional  
13 agency;

14           (ii) interfere with pending administrative  
15 enforcement proceedings conducted by any public body;

16           (iii) deprive a person of a fair trial or an  
17 impartial hearing;

18           (iv) unavoidably disclose the identity of a  
19 confidential source or confidential information  
20 furnished only by the confidential source;

21           (v) disclose unique or specialized investigative  
22 techniques other than those generally used and known or  
23 disclose internal documents of correctional agencies  
24 related to detection, observation or investigation of  
25 incidents of crime or misconduct;

26           (vi) constitute an invasion of personal privacy

1 under subsection (b) of this Section;

2 (vii) endanger the life or physical safety of law  
3 enforcement personnel or any other person; or

4 (viii) obstruct an ongoing criminal investigation.

5 (d) Criminal history record information maintained by  
6 State or local criminal justice agencies, except the  
7 following which shall be open for public inspection and  
8 copying:

9 (i) chronologically maintained arrest information,  
10 such as traditional arrest logs or blotters;

11 (ii) the name of a person in the custody of a law  
12 enforcement agency and the charges for which that  
13 person is being held;

14 (iii) court records that are public;

15 (iv) records that are otherwise available under  
16 State or local law; or

17 (v) records in which the requesting party is the  
18 individual identified, except as provided under part  
19 (vii) of paragraph (c) of subsection (1) of this  
20 Section.

21 "Criminal history record information" means data  
22 identifiable to an individual and consisting of  
23 descriptions or notations of arrests, detentions,  
24 indictments, informations, pre-trial proceedings, trials,  
25 or other formal events in the criminal justice system or  
26 descriptions or notations of criminal charges (including

1 criminal violations of local municipal ordinances) and the  
2 nature of any disposition arising therefrom, including  
3 sentencing, court or correctional supervision,  
4 rehabilitation and release. The term does not apply to  
5 statistical records and reports in which individuals are  
6 not identified and from which their identities are not  
7 ascertainable, or to information that is for criminal  
8 investigative or intelligence purposes.

9 (e) Records that relate to or affect the security of  
10 correctional institutions and detention facilities.

11 (f) Preliminary drafts, notes, recommendations,  
12 memoranda and other records in which opinions are  
13 expressed, or policies or actions are formulated, except  
14 that a specific record or relevant portion of a record  
15 shall not be exempt when the record is publicly cited and  
16 identified by the head of the public body. The exemption  
17 provided in this paragraph (f) extends to all those records  
18 of officers and agencies of the General Assembly that  
19 pertain to the preparation of legislative documents.

20 (g) Trade secrets and commercial or financial  
21 information obtained from a person or business where the  
22 trade secrets or information are proprietary, privileged  
23 or confidential, or where disclosure of the trade secrets  
24 or information may cause competitive harm, including:

25 (i) All information determined to be confidential  
26 under Section 4002 of the Technology Advancement and

1 Development Act.

2 (ii) All trade secrets and commercial or financial  
3 information obtained by a public body, including a  
4 public pension fund, from a private equity fund or a  
5 privately held company within the investment portfolio  
6 of a private equity fund as a result of either  
7 investing or evaluating a potential investment of  
8 public funds in a private equity fund. The exemption  
9 contained in this item does not apply to the aggregate  
10 financial performance information of a private equity  
11 fund, nor to the identity of the fund's managers or  
12 general partners. The exemption contained in this item  
13 does not apply to the identity of a privately held  
14 company within the investment portfolio of a private  
15 equity fund, unless the disclosure of the identity of a  
16 privately held company may cause competitive harm.

17 Nothing contained in this paragraph (g) shall be construed  
18 to prevent a person or business from consenting to disclosure.

19 (h) Proposals and bids for any contract, grant, or  
20 agreement, including information which if it were  
21 disclosed would frustrate procurement or give an advantage  
22 to any person proposing to enter into a contractor  
23 agreement with the body, until an award or final selection  
24 is made. Information prepared by or for the body in  
25 preparation of a bid solicitation shall be exempt until an  
26 award or final selection is made.

1           (i) Valuable formulae, computer geographic systems,  
2           designs, drawings and research data obtained or produced by  
3           any public body when disclosure could reasonably be  
4           expected to produce private gain or public loss. The  
5           exemption for "computer geographic systems" provided in  
6           this paragraph (i) does not extend to requests made by news  
7           media as defined in Section 2 of this Act when the  
8           requested information is not otherwise exempt and the only  
9           purpose of the request is to access and disseminate  
10          information regarding the health, safety, welfare, or  
11          legal rights of the general public.

12          (j) Test questions, scoring keys and other examination  
13          data used to administer an academic examination or  
14          determined the qualifications of an applicant for a license  
15          or employment.

16          (k) Architects' plans, engineers' technical  
17          submissions, and other construction related technical  
18          documents for projects not constructed or developed in  
19          whole or in part with public funds and the same for  
20          projects constructed or developed with public funds, but  
21          only to the extent that disclosure would compromise  
22          security, including but not limited to water treatment  
23          facilities, airport facilities, sport stadiums, convention  
24          centers, and all government owned, operated, or occupied  
25          buildings.

26          (l) Library circulation and order records identifying

1 library users with specific materials.

2 (m) Minutes of meetings of public bodies closed to the  
3 public as provided in the Open Meetings Act until the  
4 public body makes the minutes available to the public under  
5 Section 2.06 of the Open Meetings Act.

6 (n) Communications between a public body and an  
7 attorney or auditor representing the public body that would  
8 not be subject to discovery in litigation, and materials  
9 prepared or compiled by or for a public body in  
10 anticipation of a criminal, civil or administrative  
11 proceeding upon the request of an attorney advising the  
12 public body, and materials prepared or compiled with  
13 respect to internal audits of public bodies.

14 (o) Information received by a primary or secondary  
15 school, college or university under its procedures for the  
16 evaluation of faculty members by their academic peers.

17 (p) Administrative or technical information associated  
18 with automated data processing operations, including but  
19 not limited to software, operating protocols, computer  
20 program abstracts, file layouts, source listings, object  
21 modules, load modules, user guides, documentation  
22 pertaining to all logical and physical design of  
23 computerized systems, employee manuals, and any other  
24 information that, if disclosed, would jeopardize the  
25 security of the system or its data or the security of  
26 materials exempt under this Section.

1           (q) Documents or materials relating to collective  
2 negotiating matters between public bodies and their  
3 employees or representatives, except that any final  
4 contract or agreement shall be subject to inspection and  
5 copying.

6           (r) Drafts, notes, recommendations and memoranda  
7 pertaining to the financing and marketing transactions of  
8 the public body. The records of ownership, registration,  
9 transfer, and exchange of municipal debt obligations, and  
10 of persons to whom payment with respect to these  
11 obligations is made.

12           (s) The records, documents and information relating to  
13 real estate purchase negotiations until those negotiations  
14 have been completed or otherwise terminated. With regard to  
15 a parcel involved in a pending or actually and reasonably  
16 contemplated eminent domain proceeding under the Eminent  
17 Domain Act, records, documents and information relating to  
18 that parcel shall be exempt except as may be allowed under  
19 discovery rules adopted by the Illinois Supreme Court. The  
20 records, documents and information relating to a real  
21 estate sale shall be exempt until a sale is consummated.

22           (t) Any and all proprietary information and records  
23 related to the operation of an intergovernmental risk  
24 management association or self-insurance pool or jointly  
25 self-administered health and accident cooperative or pool.

26           (u) Information concerning a university's adjudication

1 of student or employee grievance or disciplinary cases, to  
2 the extent that disclosure would reveal the identity of the  
3 student or employee and information concerning any public  
4 body's adjudication of student or employee grievances or  
5 disciplinary cases, except for the final outcome of the  
6 cases.

7 (v) Course materials or research materials used by  
8 faculty members.

9 (w) Information related solely to the internal  
10 personnel rules and practices of a public body.

11 (x) Information contained in or related to  
12 examination, operating, or condition reports prepared by,  
13 on behalf of, or for the use of a public body responsible  
14 for the regulation or supervision of financial  
15 institutions or insurance companies, unless disclosure is  
16 otherwise required by State law.

17 (y) Information the disclosure of which is restricted  
18 under Section 5-108 of the Public Utilities Act.

19 (z) Manuals or instruction to staff that relate to  
20 establishment or collection of liability for any State tax  
21 or that relate to investigations by a public body to  
22 determine violation of any criminal law.

23 (aa) Applications, related documents, and medical  
24 records received by the Experimental Organ Transplantation  
25 Procedures Board and any and all documents or other records  
26 prepared by the Experimental Organ Transplantation

1 Procedures Board or its staff relating to applications it  
2 has received.

3 (bb) Insurance or self insurance (including any  
4 intergovernmental risk management association or self  
5 insurance pool) claims, loss or risk management  
6 information, records, data, advice or communications.

7 (cc) Information and records held by the Department of  
8 Public Health and its authorized representatives relating  
9 to known or suspected cases of sexually transmissible  
10 disease or any information the disclosure of which is  
11 restricted under the Illinois Sexually Transmissible  
12 Disease Control Act.

13 (dd) Information the disclosure of which is exempted  
14 under Section 30 of the Radon Industry Licensing Act.

15 (ee) Firm performance evaluations under Section 55 of  
16 the Architectural, Engineering, and Land Surveying  
17 Qualifications Based Selection Act.

18 (ff) Security portions of system safety program plans,  
19 investigation reports, surveys, schedules, lists, data, or  
20 information compiled, collected, or prepared by or for the  
21 Regional Transportation Authority under Section 2.11 of  
22 the Regional Transportation Authority Act or the St. Clair  
23 County Transit District under the Bi-State Transit Safety  
24 Act.

25 (gg) Information the disclosure of which is restricted  
26 and exempted under Section 50 of the Illinois Prepaid

1 Tuition Act.

2 (hh) Information the disclosure of which is exempted  
3 under the State Officials and Employees Ethics Act.

4 (ii) Beginning July 1, 1999, information that would  
5 disclose or might lead to the disclosure of secret or  
6 confidential information, codes, algorithms, programs, or  
7 private keys intended to be used to create electronic or  
8 digital signatures under the Electronic Commerce Security  
9 Act.

10 (jj) Information contained in a local emergency energy  
11 plan submitted to a municipality in accordance with a local  
12 emergency energy plan ordinance that is adopted under  
13 Section 11-21.5-5 of the Illinois Municipal Code.

14 (kk) Information and data concerning the distribution  
15 of surcharge moneys collected and remitted by wireless  
16 carriers under the Wireless Emergency Telephone Safety  
17 Act.

18 (ll) Vulnerability assessments, security measures, and  
19 response policies or plans that are designed to identify,  
20 prevent, or respond to potential attacks upon a community's  
21 population or systems, facilities, or installations, the  
22 destruction or contamination of which would constitute a  
23 clear and present danger to the health or safety of the  
24 community, but only to the extent that disclosure could  
25 reasonably be expected to jeopardize the effectiveness of  
26 the measures or the safety of the personnel who implement

1           them or the public. Information exempt under this item may  
2           include such things as details pertaining to the  
3           mobilization or deployment of personnel or equipment, to  
4           the operation of communication systems or protocols, or to  
5           tactical operations.

6           (mm) Maps and other records regarding the location or  
7           security of a utility's generation, transmission,  
8           distribution, storage, gathering, treatment, or switching  
9           facilities.

10          (nn) Law enforcement officer identification  
11          information or driver identification information compiled  
12          by a law enforcement agency or the Department of  
13          Transportation under Section 11-212 of the Illinois  
14          Vehicle Code.

15          (oo) Records and information provided to a residential  
16          health care facility resident sexual assault and death  
17          review team or the Executive Council under the Abuse  
18          Prevention Review Team Act.

19          (pp) Information provided to the predatory lending  
20          database created pursuant to Article 3 of the Residential  
21          Real Property Disclosure Act, except to the extent  
22          authorized under that Article.

23          (qq) Defense budgets and petitions for certification  
24          of compensation and expenses for court appointed trial  
25          counsel as provided under Sections 10 and 15 of the Capital  
26          Crimes Litigation Act. This subsection (qq) shall apply

1           until the conclusion of the trial of the case, even if the  
2           prosecution chooses not to pursue the death penalty prior  
3           to trial or sentencing.

4           (rr) Information that is prohibited from being  
5           disclosed under Section 4 of the Illinois Health and  
6           Hazardous Substances Registry Act.

7           (2) This Section does not authorize withholding of  
8           information or limit the availability of records to the public,  
9           except as stated in this Section or otherwise provided in this  
10          Act.

11          (Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237,  
12          eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03;  
13          93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff.  
14          1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff.  
15          6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; revised  
16          8-3-06.)

17          Section 10. The Illinois Health and Hazardous Substances  
18          Registry Act is amended by adding Section 9.1 and by changing  
19          Sections 3, 4, 9, and 12 as follows:

20                 (410 ILCS 525/3) (from Ch. 111 1/2, par. 6703)

21                 Sec. 3. For the purposes of this Act, unless the context  
22                 requires otherwise:

23                 (a) "Department" means the Illinois Department of Public  
24                 Health.

1           (b) "Director" means the Director of the Illinois  
2 Department of Public Health.

3           (c) "Council" means the Health and Hazardous Substances  
4 Coordinating Council created by this Act.

5           (d) "Registry" means the Illinois Health and Hazardous  
6 Substances Registry established by the Department of Public  
7 Health under Section 6 of this Act.

8           (e) "Cancer" means all malignant neoplasms, regardless of  
9 the tissue of origin, including malignant lymphoma and  
10 leukemia.

11           (f) "Cancer incidence" means a medical diagnosis of cancer,  
12 consisting of a record of cases of cancer and specified cases  
13 of tumorous or precancerous diseases which occur in Illinois,  
14 and such other information concerning these cases as the  
15 Department deems necessary or appropriate in order to conduct  
16 thorough and complete epidemiological surveys of cancer and  
17 cancer-related diseases in Illinois.

18           (g) "Occupational disease" includes but is not limited to  
19 all occupational diseases covered by the Workers' Occupational  
20 Diseases Act.

21           (h) "Hazardous substances" means a hazardous substance as  
22 defined in the Environmental Protection Act.

23           (i) "Hazardous substances incident" includes but is not  
24 limited to a spill, fire, or accident involving hazardous  
25 substances, illegal disposal, transportation, or use of  
26 hazardous substances, and complaints or permit violations

1 involving hazardous substances.

2 (j) "Company profile" includes but is not limited to the  
3 name of any company operating in the State of Illinois which  
4 generates, uses, disposes of or transports hazardous  
5 substances, identification of the types of permits issued in  
6 such company's name relating to transactions involving  
7 hazardous substances, inventory of hazardous substances  
8 handled by such company, and the manner in which such hazardous  
9 substances are used, disposed of, or transported by the  
10 company.

11 (k) "Hazardous nuclear material" means (1) any source or  
12 special nuclear material intended for use or used as an energy  
13 source in a production or utilization facility as defined in  
14 Sec. 11.v. or 11.cc. of the federal Atomic Energy Act of 1954  
15 as amended; (2) any fuel which has been discharged from such a  
16 facility following irradiation, the constituent elements of  
17 which have not been separated by reprocessing; or (3) any  
18 by-product material resulting from operation of such a  
19 facility.

20 (l) ~~(1)~~ "Adverse pregnancy outcome" includes but is not  
21 limited to birth defects, fetal loss, infant mortality, low  
22 birth weight, selected life-threatening conditions, and other  
23 developmental disabilities as defined by the Department.

24 (m) "News medium" means any newspaper or other periodical  
25 issued at regular intervals, whether in print or electronic  
26 format, and having a general circulation; a news service,

1 whether in print or electronic format; a radio station, a  
2 television station; a television network; a community antenna  
3 television service; and any person or corporation engaged in  
4 the making of news reels or other motion picture news for  
5 public showing.

6 (n) "Researcher" means an individual who is affiliated with  
7 or supported by universities, academic centers, research  
8 institutions, hospitals, and governmental entities who conduct  
9 scientific research or investigation on human diseases.

10 (Source: P.A. 85-831.)

11 (410 ILCS 525/4) (from Ch. 111 1/2, par. 6704)

12 Sec. 4. (a) There is created the Health and Hazardous  
13 Substances Coordinating Council, to be comprised of the  
14 following persons ex officio or their designees: Dean of the  
15 School of Public Health of the University of Illinois, Director  
16 of Natural Resources, Director of Public Health, Director of  
17 Labor, Director of Agriculture, Director of the Environmental  
18 Protection Agency and the Director of Nuclear Safety.

19 The University of Illinois School of Public Health shall  
20 advise the Department in the design, function and utilization  
21 of the Registry.

22 (b) To facilitate the collection of cancer incidence  
23 information, the Department, in consultation with the Advisory  
24 Board of Cancer Control, shall have the authority to require  
25 hospitals, laboratories or other facilities to report

1 incidences of cancer and other specified tumorous and  
2 precancerous diseases to the Department, and to require the  
3 submission of such other information pertaining to or in  
4 connection with such reported cases as the Department deems  
5 necessary or appropriate for the purposes of this Act. The  
6 Department may promulgate rules or regulations specifying the  
7 hospitals, laboratories or other facilities which are required  
8 to submit information pursuant to this Section, the types of  
9 information required to be submitted, methods of submitting  
10 such information and any other detail deemed by the Department  
11 to be necessary or appropriate for administration of this Act.  
12 Nothing in this Act shall be construed to compel any individual  
13 to submit to a medical examination or supervision.

14 (c) The Director shall by rule or regulation establish  
15 standards or guidelines for ensuring the protection of  
16 information made confidential or privileged under law.

17 (d) The identity, or any group of facts that tends to lead  
18 to the identity, of any person whose condition or treatment is  
19 submitted to the Illinois Health and Hazardous Substances  
20 Registry is confidential and shall not be open to public  
21 inspection or dissemination and is exempt from disclosure under  
22 Section 7 of the Freedom of Information Act. The following data  
23 elements, alone or in combination, are confidential, shall not  
24 be open to public inspection or dissemination, and are exempt  
25 from disclosure under Section 7 of the Freedom of Information  
26 Act: name, social security number, street address, email

1 address, telephone number, fax number, medical record number,  
2 certificate/license number, reporting source (unless permitted  
3 by the reporting facility), age (unless aggregated for 5 or  
4 more years, ZIP code (unless aggregated for 5 or more years),  
5 and diagnosis date (unless aggregated for one or more years for  
6 the entire State or for 3 or more years for a single county).

7 ~~Facts that tend to lead to the identity of a person include the~~  
8 ~~following: name, social security number, address, and any other~~  
9 ~~data element that, by itself or in combination with one or more~~  
10 ~~other data elements, tends to identify any person.~~ The identity  
11 of any person or persons claimed to be derived from cancer  
12 registry data is not admissible in evidence, and no court shall  
13 require information to be produced in discovery if it  
14 determines that the information tends to lead to the identity  
15 of any person. Information for specific research purposes may  
16 be released in accordance with procedures established by the  
17 Department. Except as provided by rule, and as part of an  
18 epidemiologic investigation, an officer or employee of the  
19 Department may interview a patient named in a report made under  
20 this Act, or relatives of any such patient, only with the  
21 express written consent of the patient.

22 (e) Hospitals, laboratories, other facilities or  
23 physicians shall not be held liable for the release of  
24 information or confidential data to the Department in  
25 accordance with this Act. The Department shall protect any  
26 information made confidential or privileged under law.

1 (Source: P.A. 89-445, eff. 2-7-96; 90-607, eff. 6-30-98.)

2 (410 ILCS 525/9) (from Ch. 111 1/2, par. 6709)

3 Sec. 9. The Department shall utilize the Registry to  
4 conduct research on the relationships between hazardous  
5 substances, hazardous nuclear materials, and public health  
6 issues. In consultation with the Council, the Director shall  
7 establish guidelines for determining the specific questions  
8 and areas to be researched. The guidelines shall specifically  
9 include the question of the potential public health  
10 significance of an increase in cancer incidence. Upon the  
11 approval of the Council, the information contained in the  
12 Registry shall be available to other State agencies wishing to  
13 conduct research on these issues. Upon review and approval of  
14 an appropriate Institutional Review Board (IRB) or its  
15 equivalent on protection of human subjects in research, the  
16 Department shall release data to researchers for purposes of  
17 medical and scientific research consistent with the  
18 fundamental purposes of the Registry.

19 (Source: P.A. 85-1218.)

20 (410 ILCS 525/9.1 new)

21 Sec. 9.1. Release of data to news media. Upon review and  
22 approval of an appropriate Institutional Review Board (IRB) or  
23 its equivalent on protection of human subjects in research, the  
24 Department shall release data not otherwise available for

1 release under the Freedom of Information Act to news media for  
2 purposes of public interest research consistent with the  
3 fundamental purposes of the Registry.

4 (410 ILCS 525/12) (from Ch. 111 1/2, par. 6712)

5 Sec. 12. All information contained in the Registry, as well  
6 as all reports issued by the Department, including the annual  
7 report, shall be made available to the public upon request;  
8 provided, however, nothing in this Act permits public  
9 disclosure of any information made confidential or privileged  
10 pursuant to this Act or any other statute. Identification or  
11 contact of individuals from public reports or data released  
12 under the Freedom of Information Act is prohibited. The  
13 Director may, by rule, establish fees to be charged to persons  
14 or organizations other than State agencies for requested  
15 summaries or analyses of data which are not otherwise included  
16 in an annual report. The fees shall not be more than the cost  
17 to the Department of supplying the requested information. The  
18 Department shall make available on its web site  
19 non-confidential public use databases for easy and direct  
20 access and download by the public.

21 (Source: P.A. 90-607, eff. 6-30-98.)

22 Section 99. Effective date. This Act takes effect July 1,  
23 2007.